

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AARON SLOAN,)	
)	
Plaintiff,)	
)	C.A. No. 3:14-cv-249
v.)	
)	
MELISSA HAINSWORTH, et al,)	
Defendants.)	

MEMORANDUM ORDER


This prisoner civil rights action was received by the Clerk of Court on November 14, 2014, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on January 21, 2016, recommended that Defendants motion to dismiss [14] be granted in part and denied in part. The motion to dismiss should be granted as to the access to courts claims as presently pled, but Plaintiff should be allowed to amend his complaint to more fully state the access claims and to allege the involvement of each Defendant. Furthermore, the motion to dismiss should be granted as to state law claims of aiding and abetting, due process, and conspiracy. Plaintiff should not be allowed to amend his complaint as to these claims. The motion to dismiss should be denied as to the federal conspiracy claim and the retaliation claim. It is further recommended that Plaintiff's motion for sanctions [20] be dismissed as there is no basis for the imposition of sanctions and this filing is liberally construed as an opposition brief. Service was made on Plaintiff by mail at SCI Greene, where he is incarcerated, and on Defendants. Objections were filed by the Plaintiff on February 1, 2016. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 10th Day of February, 2016;

IT IS HEREBY ORDERED that Defendants motion to dismiss [14] is granted in part and denied in part. The motion to dismiss is granted as to the access to courts claims as presently pled. Plaintiff will be allowed to amend his complaint to more fully state the access claims and to allege the involvement of each Defendant. Furthermore, the motion to dismiss is granted as to state law claims of aiding and abetting, due process, and conspiracy. Plaintiff will not be allowed to amend his complaint as to these claims. The motion to dismiss is denied as to the federal conspiracy claim and the retaliation claim. Plaintiff's motion for sanctions [20] is dismissed, as there is no basis for the imposition of sanctions. This filing is liberally construed as an opposition brief.

The report and recommendation of Magistrate Judge Baxter, dated January 21, 2016, is adopted as the opinion of the court.

February 10, 2016


KIM R. GIBSON
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____